

SEP 28 '04 13:46 TO-0000#41#17038729306#

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T-905 P.01 F-246

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FACSIMILE TRANSMISSION

DATE: September 28, 2004

TIME IN:
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TO:

Name	Fax Number	Phone Number
USPTO	703-872-9603 9306	
Examiner Gabel	571-273-0820	571-272-0820
USPTO		

FROM: Joseph W. Price PHONE: 949-253-4920

MESSAGE:

RE: 09/511,824
Attorney Docket: 42479-2500

Please see attached Terminal Disclaimer and accompanying transmittals.

Thank you.

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ORIGINAL DOCUMENT:

NUMBER OF PAGES (Including Cover): 6

CONFIRMATION NO.:

CLIENT MATTER NO.: 99999-0000

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REQUESTOR: Joseph W. Price

DIRECT LINE: 949-253-4920

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PAGE 1/6 * RCVD AT 9/28/2004 4:37:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/10 * DNIS:8729306 * CSID:949 955 2507 * DURATION (mm:ss):02:06

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
42479-2500

In Re Application Of: Yasuo Yamao et al.

Serial No.
09/511,824

Filing Date
02.24.2000

Examiner
Gailene Gabel

Group Art Unit
1641

Title: IMMUNOASSAY METHOD FOR LYSED WHOLE BLOOD

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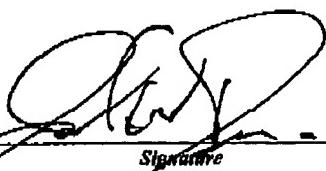
TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Letter to Examiner Re Submission of Terminal Disclaimer
Fee Transmittal
Terminal Disclaimer

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 19-2814 as described below.
 - Charge the amount of \$110.00
 - Credit any overpayment.
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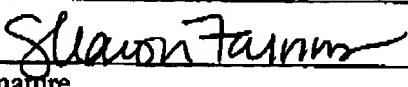
Joseph W. Price
Reg. No. 25,124
SNELL & WILMER, LLP
1920 Main Street, Suite 1200
Irvine, CA 92614
Tel: 949-253-4920
Fax: 949-955-2507
Customer No. 21611

cc:

Dated: September 28, 2004

I hereby certify that this correspondence is being sent via Facsimile at 703-872-9306 to Gailene Gabel, at the USPTO on September 28, 2004

By: Sharon Farnus


Signature
Dated: September 28, 2004

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
\$110.00

Complete if Known

Application Number	09/511,824
Filing Date	02.24.2000
First Named Inventor	Yamao, Yasuo
Examiner Name	Cabel, Callene
Art Unit	1641
Attorney Docket No.	42749-2500

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
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FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 630	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing	
1005 160	2006 80	Provisional filing fee	
SUBTOTAL (1) (\$)			
1. BASIC FILING FEE			
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 630	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing	
1005 160	2006 80	Provisional filing fee	
SUBTOTAL (1) (\$)			
2. EXTRA CLAIM FEES FOR UTILITY AND DESIGN PATENTS			
Total Claims	Extra Claims	Fee from below	Fee Paid
	-30** =	0 x _____	= 0.00
Independent Claims	-3** =	0 x _____	= 0.00
Multiple Dependent			
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)		\$0.00	
*or number previously paid, if greater; For Reissues, see above			
"Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			
\$110.00			

Complete if applicable

SUBMITTED BY

Name	<i>Joseph W. Price</i>	Registration No. (Attorney/Agent)	25,124	Telephone	949-253-4920
Signature	<i>[Signature]</i>		Date	September 28, 2004	

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Patent
42479-2500**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yasuo Yamao, et al.

Serial No.: 09/511,824

Filed: February 24, 2000

For: IMMUNOASSAY METHOD
FOR LYSED WHOLE BLOOD

Patent Examiner: Gailene Gabel

Group Art Unit: 1641

September 28, 2004

Irvine, California 92614

LETTER TO EXAMINER RE SUBMISSION OF TERMINAL DISCLAIMER**VIA FACSIMILE**
703-872-9306**ATTN: EXAMINER GAILENE GABEL**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Gabel:

In accordance with your telephone request, attached hereto is an executed Terminal Disclaimer for the parent U.S. Patent 6,030,845.

It is my understanding that this should place the case in condition for allowance and that it will not be necessary for us to proceed forward to file an appeal brief.

I wish to thank you for your courtesy in addressing this issue and bringing it to our attention.

Patent
42479-2500

If there are any questions please contact the attorney at the telephone number below.

I hereby certify that this correspondence is being sent via Facsimile at **703-872-9306** to Gailene Gabel, at the USPTO on September 28, 2004

By: Sharon Farnus

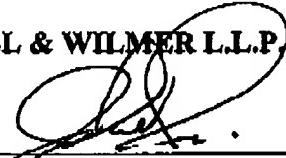
Sharon Farnus

Signature

Dated: September 28, 2004

Very truly yours,

SNELL & WILMER L.L.P.


Joseph W. Price
Registration No. 25,124
1920 Main Street, Suite 1200
Irvine, California 92614-7230
Telephone: (949) 253-4920

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**

Docket No.
42479-2500

In Re Application Of: Yasuo Yamao et al.

Serial No.
09/511,824

Filing Date
02.24.2000

Examiner
Gallene Gabel

Group Art Unit
1641

Invention: IMMUNOASSAY METHOD FOR LYSED WHOLE BLOOD

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SEP 28 2004

Owner of Record: Horiba, Ltd.

TO THE COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 158 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,030,845. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

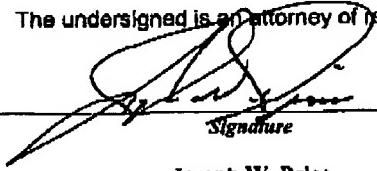
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.



Joseph W. Price

Typed or Printed Name

Dated: September 28, 2004

- Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
 PTO suggested wording for terminal disclaimer was unchanged.
 Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.